

ORDINANCE NO. 1568-E

AN ORDINANCE ADOPTING THE "UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS," 1991 EDITION, WHICH CODE PROVIDES REGULATIONS FOR THE REPAIR, VACATION, AND DEMOLITION OF BUILDINGS OR STRUCTURES ENDANGERING THE LIFE, LIMB, HEALTH, PROPERTY, SAFETY AND WELFARE OF THE GENERAL PUBLIC AND THEIR OCCUPANTS; PROVIDING PROCEDURES AND PENALTIES FOR THE VIOLATION THEREOF; REPEALING SECTIONS 15.28.010 THROUGH 15.28.170 INCLUSIVE OF THE CODE OF THE CITY OF LODI, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the City Council of the City of Lodi did on the 17th day of February, 1993 read the title of the above entitled ordinance and did thereupon schedule a public hearing thereof for March 17, 1993 at the hour of 7:30 o'clock p.m. of said day in the Carnegie Forum , 305 West Pine Street, Lodi, California, in accordance with the provisions of Section 50022.1 et seq. of the Government Code; and

WHEREAS, notice of the hearing was published twice in a newspaper of general circulation in accordance with the provisions of Section 50022.3 of the Government Code as appears by the Affidavit of Publication on file therein; and

WHEREAS, at the time set for hearing no protests were received by the City Council;

NOW THEREFORE the City Council of the City of Lodi does ordain as follows:

Section 1. Adoption.

The provisions set forth in the "Uniform Code for the Abatement of Dangerous Buildings," 1991 Edition, are hereby adopted as the Unsafe Building Abatement Code the City of Lodi. The Unsafe Building Abatement Code of the City of Lodi shall apply in all matters pertaining to dangerous buildings, as herein defined, which are now in existence or which may hereafter be constructed in the City of Lodi.

Section 2. Revisions, additions and deletions.

The revisions, additions and deletions to the "Uniform Code for the Abatement of Dangerous Buildings," 1991 Edition, adopted by the preceding section, which are hereby approved by the City Council as exceptions, read as follows:

(a) Delete Sec. 205, "Board of Appeals."

(b) Add new Sec. 303, "Board of Appeals," to read as follows:

"Whenever in this Code reference is made to the 'Board of Appeals,' it shall mean the City Council of the City of Lodi."

(c) Add new Sec. 304, "Building Official" to read as follows:

"Whenever in this Code reference is made to the Building Official' it shall mean the legally designated Chief Building Inspector of the City of Lodi or his authorized representative."

(d) Add new Sec. 305, "Health Officer," to read as follows:

"Whenever in this Code reference is made to the 'City Health Officer' or 'Health Officer' it shall mean the legally designated Director of the San Joaquin County Environmental Health Division or his authorized representative."

(e) Add new Sec. 306, "Fire Marshal," to read as follows:

"Whenever in this Code reference is made to the 'City Fire Marshal' or 'Fire Marshal' it shall mean the Fire Marshal of the City of Lodi or his authorized **representative**."

(f) Sec. 501 (a), (b) and (c). Change to read:

"Sec. 501. Appeal to City Council.

"Any person aggrieved by any order of the Building Official hereunder to repair, vacate and repair, or demolish any building or structure, or portion thereof, may appeal such order to the City Council. The appeal, which shall be in writing and which shall state the substance of the order appealed from, shall be submitted to the City Council within ten (10) days from the date of personal service or mailing of the order which is being appealed. The City Council shall set the matter for hearing. Notice of the date, hour and place of the hearing shall be posted and served at least ten (10) days before the date set for the hearing in the manner and upon the persons specified in Section 401 (c), (d) and (e). The notice shall order all interested parties who desire to be heard to appeal and show cause, if any they have, why the building or structure, or portion thereof, involved in the proceedings should not be repaired, vacated and repaired, or demolished."

(g) **Sec. 502. Change to read:**

"Hearing Before City Council. At the time stated in the notice, the City Council shall hold a hearing, and hear and consider any evidence offered by the Building Official, owner, occupant or person in change and control, mortgagee or beneficiary under any deed of trust, lessees, or any other person having any estate or interest in said building or structure, pertaining to the matters set forth in the Notice to Repair, Vacate and Repair, or Demolish. Upon the conclusion of the hearing, the City Council shall render its decision."

(h) Sec. 503. Change to read:

"Order of City Council. If, from a full and fair consideration of the evidence and testimony received at the hearing, the City Council shall determine that the building or structure, or any portion thereof, is unsafe and a public nuisance, then it shall overrule the appeal and issue an order certified by the City Clerk:

(1) That the building or structure must be repaired, vacated and repaired, or demolished;

(2) That the occupant, lessee, or other person in possession must vacate said building or structure, or that he may remain in possession while repairs are being made;

(3) That any mortgagee, beneficiary under a deed of trust, or any other person having an interest or estate in said building or structure may, at his **own** risk, repair, vacate and repair, or demolish it.

"The order shall (i) set forth the information required in Section 401(b) paragraph 1, (ii) contain a statement of particulars that render the building or structure unsafe and a public nuisance; and (iii) contain a statement of the things required to be done. The order shall specify (i) the time within which the work required must be commenced, which shall be not less than ten days after the issuance of the order, and (ii) a reasonable time within which the work shall be completed.

(i) Sec. 504. Change to read:

"Serving and Posting of Order of City Council. Copies of the order of the City Council shall be posted on the building or structure involved and served in the manner and upon the persons specified in Section 401 (c), (d) and (e)."

(j) Delete Sections 601 through **605** inclusive, "Procedure for Conduct of Hearing **Appeals**."

(k) Sec. 801 (a) and (b). Change to read:

"Sec. 801. Sale, Repair or Demolition.

"Whenever an order to repair, vacate and repair, or demolish any building or structure, or any portion thereof, has not been complied with within the time set by the Building Official, or by the City Council, whether under appeal or not, the City Council shall have the **power**, in addition ~~to any~~ other remedy herein **provided**, to:

"(1) Cause the material of any such building or structure to be sold in any manner that the Council may determine upon; provided, however, that any such sale shall be upon condition that the building or structure be forthwith demolished, the wreckage and debris thereof removed and the lot cleaned. The Council may sell any such building singly or otherwise. Any surplus from the sale of any such building or structure, or group of buildings and structures, over and above the cost of demolition and of cleaning the site shall be retained to be distributed to the parties or persons lawfully entitled thereto.

"(2) Cause the building or structure to be repaired or demolished. The cost thereof shall be assessed against the property upon which the particular building or structure is located. The repair or demolition of any building or structure, or sale of the materials thereof, shall be by a contract awarded following advertisement for bids, to the lowest and best bidder in the case of repair or demolition

work and to the highest and best bidder in the case of repair or demolition work and to the highest and best bidder in the case of the sale of material.

"Arrangements, as prescribed by the City Council in this section, preparing for the repair, demolition, or sale of materials, of or from any structure discussed in the Code shall be the responsibility of the Building Official. However, no such arrangements nor other work to that end shall be initiated prior to specific instructions from the City Council indicating such action."

(l) Delete Sec. 802, "Repair and Demolition Fund."

(m) Change Sec. 901 to read:

"The Building Official shall keep an itemized account of the expense incurred by the City in the repair or demolition of any building done pursuant to the provisions of Section 701 (c) 3 of this Code. Upon the completion of the work of repair or demolition, said Building Official shall prepare and file with City Clerk a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to subsection (c) of Section 401.

(n) Delete Sec. 909, "Report to Assessor and Tax Collector: Addition of Assessment to Tax Bill."

(o) Delete Sec. 912, "Repayment of Repair and Demolition Fund."

Section 3. Violations and Penalties.

No person, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to, or in violation of, any of the provisions of this Code or any order issued by the Chief Building Inspector hereunder. Any person violating the provisions of this Section shall be guilty of a misdemeanor for each day such violation continues.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 7th day of April 1993



PHILLIP A. PENNINO
Mayor

Attest :



JENNIFER M. PERRIN
City Clerk

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State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1568-E was introduced at a regular meeting of the City Council of the City of Lodi held March 17, 1993 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held April 7, 1993 by the following vote:

Ayes:	Council Members - Davenport, Mann, Sieglock, Snider and Pennino (Mayor)
Noes:	Council Members - None
Absent:	Council Members - None
Abstain:	Council Members - None

I further certify that Ordinance No. 1568-E was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



JENNIFER M. PERRIN
City Clerk

Approved as to Form



BOBBY W. McNATT
City Attorney